



SACHI A. HAMAI
EXECUTIVE OFFICER

COUNTY OF LOS ANGELES BOARD OF SUPERVISORS

KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET, ROOM 383
LOS ANGELES, CALIFORNIA 90012
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DON KNABE

MICHAEL D. ANTONOVICH

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

December 03, 2013

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

9 December 3, 2013

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

Dear Supervisors:

**APPROVE THE RECOMMENDATION OF THE HEARING OFFICER REGARDING THE PETITION
TO RESCIND THE SALE OF TAX-DEFAULTED PARCEL ASSESSOR IDENTIFICATION
NUMBER (AIN) 8357-002-102, 1484 W. ORANGE GROVE AVENUE, POMONA 91768**

SUBJECT

The above-referenced parcel of real property was sold at the 2012A Public Auction of Tax Defaulted Property held on October 22, 2012, by the County Treasurer and Tax Collector (TTC). Subsequently, the Los Angeles County Assessor's Office petitioned your Board to request that the sale be rescinded.

Pursuant to California Revenue and Taxation (R&TC) section 3731, a hearing was scheduled on October 2, 2013, before the appointed Hearing Officer.

IT IS RECOMMENDED THAT THE BOARD:

1. Approve the recommendation in the attached report from the Hearing Officer to rescind the sale of AIN 8357-002-102.
2. Instruct the Executive Officer to notify the Assessor and the other parties to the sale that the sale will be rescinded and the purchase price refunded to the purchaser of the parcel.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approving the recommendation of the Hearing Officer in this matter ensures the County's

compliance with the relevant sections of the R&T Code.

Implementation of Strategic Plan Goals

The recommendations are consistent with the principles of County Strategic Plan Goal No. 1 (Operations Effectiveness) by providing the petitioners seeking to rescind tax sales with an Executive Officer-appointed Hearing Officer; and Goal No. 4 (Fiscal Sustainability), by avoiding unnecessary and potentially costly legal proceedings.

FISCAL IMPACT/FINANCING

Approving the recommendation of the Hearing Office in this petition will require the County to:

1. Return the subject parcel to the owner of record at the time of the 2012A tax sale.
2. Refund the purchaser in the amount of \$7,034.60 plus interest in the amount of \$51.19 for a total of \$7,085.70.

The interest amount is a net county cost and is calculated based on the County pooled apportionment rate for the time period starting on the date of the purchase and ending on the date of the rescission recordation as specified in R&TC sections 3731(c) and 5151.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

California Revenue and Taxation Code section 3725 provides for a hearing based on alleged invalidity or irregularity of any proceedings instituted under the chapters governing sale of tax-defaulted property.

The request referenced in this letter meets the statutory guidelines requiring that the Board of Supervisors conduct, or cause to be conducted through an appointed Hearing Officer, a hearing on the matter.

The hearing having been conducted, and a recommendation from the Hearing Officer received, your Board is now required to accept or reject the recommendation.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

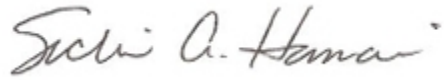
No impact.

The Honorable Board of Supervisors

12/3/2013

Page 3

Respectfully submitted,

A handwritten signature in dark ink, reading "Sachi A. Hamai". The signature is written in a cursive, flowing style.

SACHI A. HAMAI

Executive Officer, Board of Supervisors

SAH:po

Enclosures

c: Chief Executive Officer
County Counsel
Assessor
Treasurer and Tax Collector
Auditor-Controller



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EXECUTIVE OFFICER

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November 8, 2013

Sachi A. Hamai, Executive Officer
County of Los Angeles, Board of Supervisors
500 West Temple Street
Los Angeles, CA 90012

Dear Ms. Hamai:

Re: HEARING FOR PETITION TO RESCIND AIN 8357-002-102

The Treasurer and Tax Collector has the power to sell nonresidential commercial property that has been delinquent for three or more years and residential property that has been delinquent for five or more years.

The Assessor's Identification Number (AIN) 8357-002-102 was sold at the 2012A County Public Auction on October 22, 2012. Subsequently, on May 3, 2013, the County of Los Angeles Assessor's Office filed a petition with the Board of Supervisors to request a rescission of the sale of AIN 8357-002-102, which has a street address of 1484 W. Orange Grove Avenue, Pomona, CA 91766.

Pursuant to Revenue and Taxation Code 3731(b), I served as the Hearing Officer to hear arguments for and against rescission of AIN 8357-002-102 on behalf of the Board of Supervisors on October 2, 2013. I heard testimony from the Assessor, represented by Yvonne Austin, and Greg Kast, the attorney for the Purchaser, Scott Jacoby, and reviewed documents provided by the Assessor. Also present in the hearing were Sayuj Panicker, County Counsel representing the Treasurer and Tax Collector (TTC); LaTayvius Alberty, County Counsel representing the Board of Supervisors; and Ken Press and Kathy Gloster, TTC.

The Assessor contends that the sale of AIN 8357-002-102 should be rescinded because notice was not given to all parties of interest prior to the sale of the parcel pursuant to Revenue and Taxation Code 3701. The Assessor asserts that the property consisting of AIN 8357-002-101 and AIN 8357-002-102 together should have been conveyed to Win Jai Dai on the grant deed when he completed a private transaction in 2010. The Assessor stated that both parcels together match the legal description for the property at 1484 W. Orange Grove, Pomona, and provided pictures documenting that a house straddles both parcels. However, AIN 8357-002-102 was not properly transferred to Mr. Dai and the Assessor failed to record in its records Mr. Win Jai Dai as the owner of both parcels. As a result, Mr. Dai did not receive any tax bills or subsequent notices advising him about property tax delinquency, default, and ultimate sale when AIN 8357-002-102 became tax defaulted.

Ms. Sachi A. Hamai, Executive Officer
November 8, 2013
Page 2 of 2

Mr. Kast stated that his client bought the parcel in good faith. He contends that the legal description is not clear and believes that since only AIN 8357-002-101 is referenced below the legal description on the grant deed, the 2010 sale only applied to the single parcel. He asserted that Win Jai Dai did not use a reputable title company to ensure that both parcels were transferred to him and included on the deed. He stated that Mr. Dai and the title company are at fault, not the County. Mr. Kast acknowledged that Mr. Dai most likely believed he was buying both parcels because his house was located on both lots.

Recommendation

Since the legal description includes both parcels and the house is located on both parcels, the deed should have clearly conveyed both parcels as one property to Mr. Dai. Due to this error, Mr. Dai did not receive notice of the sale as required by Revenue and Taxation Code 3701. As a result, AIN 8357-002-102 should not have been sold at the 2012A County Public Auction on October 22, 2012. Therefore, I recommend the sale of AIN 8357-002-102 be rescinded.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Sharon Ryzak". The signature is fluid and cursive, with the first name "Sharon" being more prominent and the last name "Ryzak" written in a more compact, stylized manner.

Sharon Ryzak
Hearing Officer